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September 5, 2007

The Honorable Loretta A. Preska
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Absa Bank Ltd. v. H-N Custom Revenue & Electronic Exports Inc.*, 07 Civ. 7782 (LAP)

Dear Judge Preska:

① On behalf of the plaintiff Absa Bank Limited ("Absa"), we respectfully request an adjournment of the hearing date for the Order to Show Cause and Temporary Restraining Order issued by Judge Swain on August 31, 2007. We request an adjournment until 1:00 PM on September 14, 2007, which Your Honor's Clerk indicated would fit the Court's schedule.

As we explained when we appeared before Your Honor earlier this afternoon, the reason for the adjournment is that the defendant was served with the papers on this Order to Show Cause by overnight delivery sent only yesterday. Paragraph 4 of the Order to Show Cause provided for service on defendant "by hand, overnight delivery, or other means designed to give the most expedited notice, at any address for defendant that can be determined based on records of the bank account at the Bank of America in the name of defendant." This service provision in the Order to Show Cause was necessary because we had no address for the defendant at the time we submitted the papers to the Court on August 31. We had to serve Bank of America and obtain the Defendant's address from the Bank. This was done on an expedited basis, but because the Order to Show Cause was only issued late on Friday August 31, and because Monday September 3 was a holiday, the address of the defendant — which turned out to be in Tamarac, Florida — could not be obtained until yesterday (Tuesday September 4). The Order to Show Cause and TRO, and all supporting papers, were sent yesterday to the defendant by overnight delivery, in accordance with the Court's Order to Show Cause. The requested adjournment to September 14 will give the defendant time to respond.

② To preserve the assets protected by the existing TRO, Absa also respectfully requests that the TRO be extended pending the hearing on September 14, 2007. We will serve defendant with all Court orders by overnight delivery or any quicker means that we can determine.

Respectfully submitted,

Michael R. Hepworth
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① and ② are approved. In light of the problems with service set out above, extension of the TRO has been shown by good cause to be required.

SO ORDERED

LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

September 6, 2007